

HOUSE BILL No. 1464

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-6-2-1.7; IC 20-10.1.

Synopsis: Patriotic displays and moment of silence in schools. Authorizes a public school corporation to display the motto of the United States, "In God We Trust", in a conspicuous place in the main entrance of each building of the school corporation. Authorizes the display of a United States flag and the state flag in each classroom of a school corporation, and allows a school corporation to provide a daily opportunity for students to voluntarily recite the Pledge of Allegiance, with an exemption for those students who choose (or whose parents choose for them) not to participate. Allows a school corporation to establish the daily observance of a brief period of silence in each classroom. Provides that if the governing body of a school corporation has not established a policy concerning the Pledge or a period of silence, a principal or teacher may establish a policy. Requires the attorney general to defend suits challenging the constitutionality of the matters covered in this bill. Repeals a law allowing an optional brief period of silent prayer or meditation.

Effective: Upon passage; July 1, 2005.

Goodin

January 18, 2005, read first time and referred to Committee on Education.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1464

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-6-2-1.7 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: **Sec. 1.7. The attorney general shall defend all**
4 **suits challenging the constitutionality of IC 20-10.1-2-7,**
5 **IC 20-10.1-4-0.5, and IC 20-10.1-4-3.5.**

6 SECTION 2. IC 20-10.1-2-7 IS ADDED TO THE INDIANA CODE
7 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
8 UPON PASSAGE]: **Sec. 7. (a) As used in this section, "motto"**
9 **refers to the national motto of the United States as adopted by**
10 **Congress, as defined by the U.S.C. Title 36, Subtitle I, Part A,**
11 **Chapter 3, Section 302.**

12 **(b) The governing body of each school corporation may display**
13 **the motto:**

14 **(1) in English;**

15 **(2) in such a manner that the wording is legible to most people**
16 **from a distance of twenty (20) feet; and**

17 **(3) in a conspicuous place in the main entrance of each**



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building of the school corporation.

(c) The display must include:

(1) the phrase "The National Motto of the United States of America, adopted by Congress"; and

(2) the date of adoption of the motto by Congress;
as part of the display.

(d) The governing body of a school corporation may not use any public funds to pay the costs of a display under this section if donations are available for payment of the costs.

SECTION 3. IC 20-10.1-4-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 0.5. (a) The United States flag and the Indiana state flag may be displayed in each classroom of each school in a school corporation.

(b) The governing body of each school corporation may provide a daily opportunity in each classroom of the school corporation for students to voluntarily recite the Pledge of Allegiance. A student is exempt from participation in the recitation of the Pledge of Allegiance and may not be required to participate in the recitation of the Pledge of Allegiance if:

(1) the student chooses not to participate; or

(2) the student's parent chooses not to have the student participate.

(c) This subsection applies if the governing body of a school corporation has not adopted a policy under subsection (b). The following individuals may establish a policy that conforms with the requirements set forth in subsection (b):

(1) The principal of a school may establish a policy for a school building.

(2) A teacher may establish a policy for the teacher's classroom, if the principal of the school in which the teacher teaches has not established a policy.

If the governing body of the school corporation establishes a policy after a principal or teacher has established a policy, the principal or teacher must follow the governing body's policy.

SECTION 4. IC 20-10.1-4-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3.5. (a) In order to guarantee the right of every student to the free exercise of religion within the schools and to subject the freedom of each individual student to the least possible pressure from the state either to engage in or to refrain from religious observation on school grounds, the

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governing body of each school corporation may establish the daily observance of a brief period of silence in each classroom of the school corporation.

(b) The brief period of silence that subsection (a) provides is not a religious service or exercise and may not be conducted as one, but is an opportunity for silent prayer or meditation on a religious theme for those so inclined or a moment of silent reflection on the anticipated activities of the day.

(c) This subsection applies if the governing body of a school corporation has not adopted a policy under subsection (a). The following individuals may establish a policy that conforms with the requirements set forth in subsection (b):

(1) The principal of a school may establish a policy for a school building.

(2) A teacher may establish a policy for the teacher's classroom, if the principal of the school in which the teacher teaches has not established a policy.

If the governing body of the school corporation establishes a policy after a principal or teacher has established a policy, the principal or teacher must follow the governing body's policy.

SECTION 5. IC 20-10.1-7-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. ~~Voluntary Religious Observance = Authorized.~~ A voluntary religious observance is permitted in each school corporation if the school corporation follows sections 9 and 10 and 11 of this chapter and any additional procedures which it adopts to assure that the observance is voluntary.

SECTION 6. IC 20-10.1-7-11 IS REPEALED [EFFECTIVE JULY 1, 2005].

SECTION 7. An emergency is declared for this act.

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